

Message Text

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ACTION EB-07

INFO OCT-01 AF-06 ARA-06 EA-07 EUR-12 NEA-10 IO-11 ISO-00

OIC-02 FEA-01 AGR-05 CEA-01 CIAE-00 COME-00 DODE-00

FRB-03 H-02 INR-07 INT-05 L-03 LAB-04 NSAE-00 NSC-05

PA-01 AID-05 CIEP-01 SS-15 STR-04 ITC-01 TRSE-00

USIA-06 PRS-01 SP-02 OMB-01 /135 W

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FM USMISSION GENEVA

TO SECSTATE WASHDC 8051

INFO USMISSION EC BRUSSELS

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EO 11652: N/A

TAGS: GATT, ETRD

SUBJECT: GATT PANELS ON DISC AND RELATED TAX PRACTICES

REF: STATE 23939, GENEVA 475

1. MISSION HAS RECEIVED LETTER TODAY DATED 9 FEB FROM
LUYTEN OF EC COMMISSION OFFICE GENEVA AS FOLLOWS:

"I REFER TO YOUR LETTER DATED JAN 14TH, 1976, SUGGESTING
PROCEDURES TO BE FOLLOWED BY THE GATT PANEL ON DISC, AND ON A
SIMILAR BASIS FOR THE OTHER PANELS ON RELATED TAX PRACTICES.

"THE COMMUNITY AS SUCH IS ONLY CONCERNED WITH THE PANEL
ON DISC. AS WE EXPLAINED IN OUR LETTER DATED SEPTEMBER
12TH, 1975, WE CONTINUE TO CONSIDER THAT IT WOULD BE
PREFERABLE, AND MORE IN ACCORDANCE WITH PAST PRACTICE,
TO LEAVE THESE QUESTIONS TO THE PANEL ITSELF AND TO
ALLOW IT TO PROCEED AS IT DECIDES.

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"AS A MATTER OF INFORMATION, THE EEC FOR ITS PART

STANDS READY TO SUBMIT TO THE PANEL A WRITTEN STATEMENT
OF ITS POSITION ON DISC WHENEVER THE PANEL THINKS IT APPROPRIATE."

2. THIS CONSTITUTES EC REPLY TO MATTERS PROPOSED IN
BOTH OF REFTELS. THUS, EC DOES NOT, LUYTEN TOLD US,
ACCEPT US PROPOSAL TO CIRCULATE PAPERS BY MARCH 1 OR
AT ANY TIME BEFORE SCHEDULED MARCH 16 SESSION OF PANELS;
EC REMAINS FIRM THAT IT IS UP TO PANELS TO DECIDE WITH
THEY WANT. WE SAID WE FOUND IT DIFFICULT TO BELIEVE
PANELS WOULD NOT WANT WRITTEN PRESENTATIONS. LUYTEN
AGREED BUT CLAIMED ALL NINE MEMBER STATES ARE UNANIMOUS
THAT PANELS MUST FIRST MAKE REQUEST. HE FURTHER
CLAIMED TO SEE DELAYING TACTIC IN US PROCEDURAL PROPOSALS
WHEREBY US WOULD TIE UP THE PANELS UNTIL AFTER NOVEMBER ON
PROCEDURAL MATTERS. IN RESPONSE TO OUR SUGGESTION THAT
EARLY PRESENTATION OF WRITTEN CASES AND DEFENSES MIGHT SPEED WORK
OF PANELS, LUYTEN ONLY REITERATED THAT COMMUNITY HAD ALREADY MADE
DECISION TO AWAIT PANELS' WISHES BOTH ON PROCEDURES AND ANY
WRITTEN MATERIAL.

3. WE ASKED PRECISE MEANING OF STATEMENT IN LETTER
THAT "COMMUNITY AS SUCH IS ONLY CONCERNED WITH THE PANEL ON DISC";
LUYTEN SAID THAT INDIVIDUAL COUNTRIES INVOLVED IN OTHER TAX
PRACTICES WOULD HAVE TO CONDUCT OWN PARTICIPATION IN "OTHER TAX
PRACTICES" PANELS. LUYTEN ADDED THAT EC COMMISSION MIGHT
WISH ATTEND AS OBSERVER DEPENDING UPON HOW THINGS GO. PHELAN

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